

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Anita Hunter, et al.,

NO. C 09-02079 JW
NO. C 10-04864 JW

Plaintiffs,

v.

Citibank, N.A., et al.,

**ORDER CONTINUING PRELIMINARY
PRETRIAL CONFERENCE; ORDERING
BRIEFING ON CONSOLIDATION FOR
TRIAL PURPOSES**

Defendants.

Gerard A. McHale, Jr.,

Plaintiff,

v.

Silicon Valley Law Group,

Defendant.

These related cases¹ are scheduled for a Preliminary Pretrial Conference on September 12, 2011. Pursuant to the Court's June 28, 2011 Order Following Preliminary Pretrial Conference, the parties were required to file a Joint Preliminary Pretrial Conference Statement that included a timeline setting forth, *inter alia*, all events which gave rise to the causes of action against Defendant Silicon Valley Law Group in each of the above-captioned cases. (See Docket Item No. 34 in McHale; Docket Item No. 546 in Hunter.) On September 2, 2011, the parties each filed separate

¹ The related cases are Hunter, et al. v. Citibank, N.A., et al., Case No. 09-2079 ("Hunter") and McHale v. Silicon Valley Law Group, Case No. 10-4864 ("McHale").

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1 Pretrial Conference Statements and separate timelines. (See Docket Item Nos. 47-48 in McHale;
2 Docket Item Nos. 572-573 in Hunter.) Based on their submissions, the Court finds that there are
3 outstanding issues that must be resolved before a trial can be set.

4 Accordingly, the Court CONTINUES the Preliminary Pretrial Conference and orders as
5 follows:

6 (1) The Court sets **October 17, 2011 at 11 a.m.** for a Further Preliminary Pretrial
7 Conference.²

8 (2) The parties' Pretrial Conference Statements raise the issue of whether the Hunter and
9 McHale actions should be tried jointly. Because Defendant Silicon Valley Law
10 Group ("SVLG") is the sole remaining entity-defendant in the above-captioned cases,
11 the Court finds that a consolidated trial would best serve judicial economy. However,
12 the parties shall be permitted to brief their respective positions on consolidation prior
13 to a final determination. Accordingly, on or before **October 3, 2011**, the parties shall
14 file simultaneous briefs stating their position, if any, with respect to a consolidated
15 trial. Upon completion of the briefing, unless otherwise indicated, the Court will take
16 this matter under submission for consideration.

17 (3) Upon review, the Court finds that the parties' timelines are inadequate because, *inter*
18 *alia*, the parties have failed to comply with the Court's order to submit a single
19 graphic containing timelines listing all events that gave rise to the causes of action
20 against the remaining Defendants. Accordingly, the parties are ordered to meet and
21 confer regarding an adequate timeline that is consistent with the Court's June 28
22 Order. On or before **October 3, 2011**, the parties shall file a Joint Preliminary

² Defendants Cordell Funding, LLP, Cordell Consultants, Inc. Money Purchase Plan and Cordell Consultants New York, LLC (“Cordell Defendants”) were previously excused from attending the September 12, 2011 Conference in light of the parties’ settlement. (See Docket Item No. 571 in Hunter.) Accordingly, the Court excuses the Cordell Defendants from attending the October 17, 2011 Conference as well as any filings associated with that Conference.

1 Pretrial Conference Statement that includes a joint timeline that complies with the
2 Court's June 28, 2011 Order.³

3 (4) In addition, the parties' Joint Statement shall include their proposed trial schedule
4 with two tracks: (1) a proposed schedule assuming the trial is consolidated; and (2) a
5 proposed schedule assuming the trial is not consolidated.

6

7 Dated: September 7, 2011



JAMES WARE
United States District Chief Judge

26 _____
27 ³ To the extent that the parties disagree with respect to particular events, such events shall be
28 included on the timeline with a notation of the parties' disagreement.

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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23 **Dated: September 7, 2011**

Richard W. Wieking, Clerk

24 By: /s/ JW Chambers
25 Susan Imbriani
26 Courtroom Deputy